

CHANGE OF COMMERCIAL STANDARDS

Change of standards first established under this section effective one year and ninety days after the date of publication of such changed standards, see section 4 of Pub. L. 88-515, set out as an Effective Date note under section 701 of this title.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 701 of this title.

§ 703. Definitions

As used in this chapter—

(1) The term “motor vehicle” means any vehicle, self-propelled or drawn by mechanical power, designed for use on the highways principally for the transportation of passengers except any vehicle designed or used for military field training, combat, or tactical purposes.

(2) The term “Federal Government” includes the legislative, executive, and judicial branches of the Government of the United States, and the government of the District of Columbia.

(Pub. L. 88-515, §3, Aug. 30, 1964, 78 Stat. 696.)

CHAPTER 15—GOVERNMENT LOSSES IN SHIPMENT

Sec.	
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CHAPTER REFERRED TO IN OTHER SECTIONS

This chapter is referred to in title 39 section 310.

§ 721. Rules and regulations for shipment of valuables

As soon as practicable after July 8, 1937 the Secretary of the Treasury and the United States Postal Service shall, jointly, with the approval of the President, prescribe regulations governing the shipment of valuables by the executive departments, independent establishments, agencies, wholly owned corporations, officers, and employees of the United States, with a view to minimizing risks of loss and destruction of, and damage to, such valuables in shipment. After the effective date of such regulations, which shall be not more than thirty days after their issuance, it shall be the duty of every such executive department, independent establishment, agency, wholly owned corporation, officer, and employee, and of every person acting for him or it, or at his or its direction, to comply with such regulations in making any shipment of valuables.

(July 8, 1937, ch. 444, §1, 50 Stat. 479; Aug. 12, 1970, Pub. L. 91-375, §4(a), 84 Stat. 773.)

CODIFICATION

Section was formerly classified to section 134 of Title 5 prior to the general revision and enactment of Title

5, Government Organization and Employees, by Pub. L. 89-554, §1, Sept. 6, 1966, 80 Stat. 378.

EFFECTIVE DATE

Section 11 of act of July 8, 1937, previously set out as section 134h of former Title 5, Executive Departments and Government Officers and Employees, provided that: “This Act [see Short Title note below] shall become effective on July 1, 1937.”

SHORT TITLE

Section 10 of act of July 8, 1937, previously set out as section 134g of former Title 5, Executive Departments and Government Officers and Employees, provided that: “This Act [enacting this chapter and section 738a of former Title 31, Money and Finance, amending section 528 of former Title 31, and repealing sections 735-738 of former Title 31, and enacting provisions set out as a note under this section] may be cited as the ‘Government Losses in Shipment Act’.”

TRANSFER OF FUNCTIONS

“United States Postal Service” substituted in text for “Postmaster General” pursuant to Pub. L. 91-375, §4(a), Aug. 12, 1970, 84 Stat. 773, set out as a note under section 201 of Title 39, Postal Service, which abolished office of Postmaster General of Post Office Department and transferred its functions to United States Postal Service.

DELEGATION OF FUNCTIONS

Power of Secretary of the Treasury and Postmaster General [now United States Postal Service] to prescribe, without approval of President, regulations under this section, see section 3(a) of Ex. Ord. No. 10289, Sept. 17, 1951, 16 F.R. 9499, set out as a note under section 301 of Title 3, The President.

CROSS REFERENCES

Insurance of war risks except as provided in this section, see section 1285 of Title 46, Appendix, Shipping.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 722, 722a, 723, 726, 727 of this title; title 46 App. section 1285; title 49 section 44305.

§ 722. Fund for losses; appropriations

There is hereby authorized to be appropriated, out of any money in the Treasury not otherwise appropriated, the sum of \$500,000 to be used, under the direction of the Secretary of the Treasury, for the replacement of valuables, or the value thereof, lost, destroyed, or damaged in the course of shipment effected pursuant to the regulations prescribed under section 721 of this title. There is hereby further authorized to be appropriated annually, beginning with the fiscal year 1939 and ending with the fiscal year 1948, inclusive, the sum of \$200,000 for the said purposes, and from time to time such additional sums as may be necessary for the said purposes. There shall be in the Treasury of the United States a revolving fund, to be known as “the fund for the payment of Government losses in shipment” (hereinafter referred to as “the fund”), to be constituted of the said sum of \$500,000 and the sums appropriated on and after July 8, 1937 for the said purposes, together with all recoveries and repayments credited to the fund as provided in section 723 of this title. There is hereby further authorized to be appropriated, out of any money in the Treasury not otherwise appropriated, the sum of \$10,000, for expenditures

under the direction of the Secretary of the Treasury, to be used for the payment of administrative expenses, including personal services, necessary to carry out the provisions of this chapter for the fiscal year 1938.

(July 8, 1937, ch. 444, § 2, 50 Stat. 479.)

CODIFICATION

“Appropriated on and after July 8, 1937” substituted in text for “hereafter appropriated”.

Section was formerly classified to section 134a of Title 5 prior to the general revision and enactment of Title 5, Government Organization and Employees, by Pub. L. 89-554, § 1, Sept. 6, 1966, 80 Stat. 378.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in title 31 section 3126; title 46 App. section 1285; title 49 section 44305.

§ 722a. Payment of Government losses in shipment

Beginning in fiscal year 1995 and thereafter, there are appropriated such sums as may be necessary to make payments for the replacement of valuables, or the value thereof, lost, destroyed, or damaged in the course of shipments effected pursuant to section 721 of this title.

(Pub. L. 103-329, title I, Sept. 30, 1994, 108 Stat. 2387.)

CODIFICATION

Section enacted as part of the Treasury, Postal Service and General Government Appropriations Act, 1995, and not as part of the Government Losses in Shipment Act which comprises this chapter.

§ 723. Claim for replacement

In the event of loss or destruction of, or damage to, valuables of which shipment shall have been made pursuant to the regulations prescribed under section 721 of this title a claim in writing for replacement shall be made upon the Secretary of the Treasury who, if he shall be satisfied that such loss, destruction, or damage has occurred and that shipment was made substantially in accordance with such regulations, shall cause replacement to be made out of the fund through such officers as he may designate. Notwithstanding any provision of law to the contrary, the decision of the Secretary of the Treasury that such loss, destruction, or damage has occurred or that such shipment was made substantially in accordance with such regulations shall be final and conclusive and shall not be subject to review by any other officer of the United States: *Provided, however*, That where the Secretary of the Treasury determines that such replacement can be effected, in whole or in part, without actual or ultimate injury to the United States, by a credit in the accounts of the executive department, independent establishment, agency, officer, employee, or other accountable person making the claim, he shall not resort to the fund, except to the extent that such replacement cannot be so effected by such credit, but shall certify such determination to the Comptroller General and, upon receipt of such certification, the Comptroller General is authorized and directed to make such credit in the settlement of accounts in the General Accounting Office: *Provided further*, That the fund shall be

available for the replacement of any loss or destruction of, or damage to, valuables shipped by or on behalf of the Bureau of the Public Debt of the Treasury Department prior to the effective date of this amendment, the replacement of which was chargeable against the securities trust fund established under authority of section 3129 of title 31; and the Secretary of the Treasury is hereby authorized and directed to transfer on the books of the Treasury Department the amount standing to the credit of the securities trust fund and credit the same to the fund. *And provided further*, That the fund shall not be available with respect to any loss, destruction, or damage affecting valuables, insofar as such loss, destruction, or damage relates to property of the United States Postal Service chargeable to its officers or employees; nor shall it be available with respect to any loss, destruction, or damage affecting valuables of which shipment shall have been made at the risk of persons other than the United States, its executive departments, independent establishments, agencies, wholly owned corporations, officers, and employees. All recoveries and repayments on account of loss, destruction, or damage to valuables of which replacement shall have been made out of the fund shall be credited to it and shall be available for the purposes thereof.

(July 8, 1937, ch. 444, § 3, 50 Stat. 479; Aug. 10, 1939, ch. 665, § 1, 53 Stat. 1358; 1940 Reorg. Plan No. III, § 1, eff. June 30, 1940, 5 F.R. 2107, 54 Stat. 1231; Aug. 12, 1970, Pub. L. 91-375, § 6(m)(4), 84 Stat. 782.)

REFERENCES IN TEXT

The effective date of this amendment, referred to in text, probably means the date of enactment of act Aug. 10, 1939, which was approved Aug. 10, 1939.

CODIFICATION

“Section 3129 of title 31” substituted in text for “the indefinite appropriation ‘Expenses of loans, Act of September 24, 1917, as amended and extended’ (U.S.C., 1934 edition, title 31, secs. 760, 761)” on authority of Pub. L. 97-258, § 4(b), Sept. 13, 1982, 96 Stat. 1067, the first section of which enacted Title 31, Money and Finance.

Section was formerly classified to section 134b of Title 5 prior to the general revision and enactment of Title 5, Government Organization and Employees, by Pub. L. 89-554, § 1, Sept. 6, 1966, 80 Stat. 378.

AMENDMENTS

1970—Pub. L. 91-375 substituted “insofar as such loss, destruction, or damage relates to property of the United States Postal Service chargeable to its officers or employees” for “insofar as such loss destruction, or damage may be adjusted by the Postmaster General under the provisions of the Act of March 17, 1882, as amended” in third proviso.

1939—Act Aug. 10, 1939, amended generally proviso dealing with securities trust fund established under authority of sections 760 and 761 of title 31.

EFFECTIVE DATE OF 1970 AMENDMENT

Amendment by Pub. L. 91-375 effective within 1 year after Aug. 12, 1970, on date established therefor by the Board of Governors of the United States Postal Service and published by it in the Federal Register, see section 15(a) of Pub. L. 91-375, set out as an Effective Date note preceding section 101 of Title 39, Postal Service.

TRANSFER OF FUNCTIONS

Section 1(a) of Reorg. Plan No. III of 1940 established Bureau of Public Debt in Fiscal Service of Treasury De-

partment, and consolidated into such agency the Public Debt Service. See section 306 of Title 31, Money and Finance.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 722 of this title; title 31 section 3126.

§ 724. Government evidences of indebtedness held by United States Postal Service while agent for Treasury Department

All losses or destruction of, or damage to, internal revenue or other stamps, United States securities, or other obligations of the United States, and funds, occurring heretofore or hereafter, but not prior to February 4, 1935, while such stamps, securities, obligations, or funds were in the custody or possession of, or charged to, the United States Postal Service while it was acting as agent for, or on behalf of, the Treasury Department for the sale of such stamps, securities, or obligations and for the collection of such funds, irrespective of the manner in which such loss, destruction, or damage occurred, shall be replaced out of the fund under such regulations as the Secretary of the Treasury may prescribe.

(July 8, 1937, ch. 444, §3a, as added Aug. 10, 1939, ch. 665, §2, 53 Stat. 1358; amended Aug. 12, 1970, Pub. L. 91-375, §§4(a), 6(m)(5), (o), 84 Stat. 773, 783.)

CODIFICATION

Section was formerly classified to section 134b-1 of Title 5 prior to the general revision and enactment of Title 5, Government Organization and Employees, by Pub. L. 89-554, §1, Sept. 6, 1966, 80 Stat. 378.

AMENDMENTS

1970—Pub. L. 91-375 struck out proviso requiring joint determination by Postmaster General and Secretary of Treasury that loss or destruction of or damages to government evidences of indebtedness in custody or possession of any postmaster, Navy mail clerk, or assistant Navy mail clerk resulted from no fault or negligence on part of such employee to relieve him of liability to the United States or to authorize receipt of credit in his accounts.

CHANGE OF NAME

“United States Postal Service” substituted in text for “Post Office Department or Postal Service” pursuant to Pub. L. 91-375 which abolished Post Office Department, transferred its functions to United States Postal Service, and provided that references in other laws to Post Office Department or Postal Service shall be considered a reference to United States Postal Service.

EFFECTIVE DATE OF 1970 AMENDMENT

Amendment by Pub. L. 91-375 effective within 1 year after Aug. 12, 1970, on date established therefor by the Board of Governors of the United States Postal Service and published by it in the Federal Register, see section 15(a) of Pub. L. 91-375, set out as an Effective Date note preceding section 101 of Title 39, Postal Service.

§ 725. Agreements of indemnity

The Secretary of the Treasury is hereby authorized to execute and deliver, on behalf of the United States, such binding agreements of indemnity as he may deem necessary and proper to enable the United States to obtain the replacement of any instrument or document re-

ceived by the United States or any agent of the United States in his official capacity which, after having been so received, became lost, destroyed, or so mutilated as to impair its value: *Provided, however*, That no such agreement of indemnity shall operate to obligate the United States in any case in which the obligee named therein makes any payment or delivery not required by law on the original of the instrument or document covered thereby. The fund shall be available for the payment of any obligation arising out of any agreement executed by the Secretary of the Treasury under this section.

(July 8, 1937, ch. 444, §3b, as added Aug. 10, 1939, ch. 665, §2, 53 Stat. 1359.)

CODIFICATION

Section was formerly classified to section 134b-2 of Title 5 prior to the general revision and enactment of Title 5, Government Organization and Employees, by Pub. L. 89-554, §1, Sept. 6, 1966, 80 Stat. 378.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 729 of this title.

§ 726. Purchase of insurance

On and after the effective date of the regulations prescribed under section 721 of this title, no executive department, independent establishment, agency, wholly owned corporation, officer, or employee shall expend any money, or incur any obligation, for insurance, or for the payment of premiums on insurance, against loss, destruction, or damage in the shipment of valuables except as specifically authorized by the Secretary of the Treasury. The Secretary of the Treasury may give such authorization if he shall find that the risk of loss, destruction, or damage in such shipment cannot be adequately guarded against by the facilities of the United States or that the circumstances are such that adequate replacement cannot be provided under this chapter.

(July 8, 1937, ch. 444, §4, 50 Stat. 480.)

CODIFICATION

Section was formerly classified to section 134c of Title 5 prior to the general revision and enactment of Title 5, Government Organization and Employees, by Pub. L. 89-554, §1, Sept. 6, 1966, 80 Stat. 378.

§ 727. Presumption of lawful conduct

Every officer and employee of the United States and every person acting on behalf of a wholly owned corporation who makes a shipment of valuables in good faith pursuant to and substantially in accordance with the regulations prescribed under section 721 of this title shall be deemed, insofar as there may be concerned the propriety with respect to such shipment of any act or omission governed by such regulations, to be acting in faithful execution of his duties of office and in full performance of the conditions of his bond and oath of office, if any.

(July 8, 1937, ch. 444, §5, 50 Stat. 480.)

CODIFICATION

Section was formerly classified to section 134d of Title 5 prior to the general revision and enactment of Title 5, Government Organization and Employees, by Pub. L. 89-554, §1, Sept. 6, 1966, 80 Stat. 378.

§ 728. Rules and regulations

The Secretary of the Treasury shall have power, with the approval of the President, to make such rules and regulations as may be necessary for the execution of the functions vested in him by this chapter, and may for such purpose require persons making shipment of valuables or making claims for replacement to make such declarations or to furnish him with such other information as he may deem necessary.

(July 8, 1937, ch. 444, § 6, 50 Stat. 480.)

CODIFICATION

Section was formerly classified to section 134e of Title 5 prior to the general revision and enactment of Title 5, Government Organization and Employees, by Pub. L. 89-554, § 1, Sept. 6, 1966, 80 Stat. 378.

DELEGATION OF FUNCTIONS

For delegation to Secretary of the Treasury of authority vested in President by this section, see section 2(a) of Ex. Ord. No. 10289, eff. Sept. 17, 1951, 16 F.R. 9409, set out as a note under section 301 of Title 3, The President.

§ 729. Definitions

For the purposes of this chapter—

(a) The term “valuables” means any articles or things or representatives of value in which the United States has any interest, or in connection with which it has any obligation or responsibility, direct or indirect, and which are declared to be valuables within the meaning of this chapter by the Secretary of the Treasury. No articles or things shall be declared to be valuables by the Secretary of the Treasury unless he determines that replacement thereof in accordance with the procedure established herein, in the event of loss, destruction, or damage in the course of shipment, would be in the public interest. The term “United States” as used in this subsection and in section 725 of this title means the United States, its executive departments, independent establishments, and agencies, including wholly owned corporations, and officers and employees of any of the foregoing while acting in their official capacity.

(b) The term “shipment” means the transportation, or the effecting of transportation, of valuables, without limitation as to the means or facilities used or by which the transportation, is effected or the person to whom it is made, and includes, but is not limited to, shipments made to any executive department, independent establishment, agency, wholly or partly owned corporation, officer, or employee of the United States, or any person acting on his or its behalf or at his or its direction;

(c) The term “wholly owned corporation” means any corporation, regardless of the law or laws under which it is incorporated, the capital of which is entirely owned, directly or indirectly, by the United States, and includes the duly authorized officers, employees, and agents thereof;

(d) The term “replacement” means payment, reimbursement, replacement, or duplication or the expenses incident thereto.

(July 8, 1937, ch. 444, § 7, 50 Stat. 480; Aug. 10, 1939, ch. 665, § 3, 53 Stat. 1359.)

CODIFICATION

Section was formerly classified to section 134f of Title 5 prior to the general revision and enactment of Title 5, Government Organization and Employees, by Pub. L. 89-554, § 1, Sept. 6, 1966, 80 Stat. 378.

AMENDMENTS

1939—Subsec. (a). Act Aug. 10, 1939, amended definition of “valuables”.

CHAPTER 16—GENERAL SERVICES ADMINISTRATION

Sec.

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General Services Administration.

(a) Establishment.

(b) Administrator of General Services; appointment.

(c) Deputy Administrator of General Services; appointment; duties.

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752.

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753.

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755.

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756.

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(b) Payments by requisitioning agencies; fixing of prices; advance of funds.

(c) Credits to Fund.

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(e) Audit; surplus; report to Congress.

(f) Additional uses of Fund.

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756a.

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756b.

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757.

Information Technology Fund.

(a) Establishment; content; costs and capital requirements.

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(d) Transfer of uncommitted balances.

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758.

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(b) Temporary employment of experts or consultants; stenographic reporting services.

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